

# HOUSE BILL 1447

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By: **Delegates Myers and Beitzel**

Introduced and read first time: March 5, 2012

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – School Attendance in Another County**

3 FOR the purpose of authorizing the school attendance of certain students in a certain  
4 county if the county determines that certain transportation of the students is  
5 not feasible; allowing certain students who reside in a certain county and attend  
6 school in another county to attend the school until graduation from high school;  
7 providing that a certain county may not be required to provide transportation of  
8 certain students under certain circumstances; requiring certain counties to  
9 make certain determinations regarding the feasibility of transporting certain  
10 students; authorizing certain siblings of certain students to attend school in a  
11 certain county; terminating certain exceptions; requiring certain students to  
12 attend school in the county in which the student resides, except under certain  
13 circumstances; and generally relating to school attendance in another county.

14 BY repealing and reenacting, with amendments,  
15 Article – Education  
16 Section 4–121  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume and 2011 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Education**

22 4–121.

23 (a) (1) In this section the following words have the meanings indicated.

24 (2) “Local current expense per student” means all expenditures made  
25 by a county from county appropriations, except State, federal, and other aid, for public

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 elementary and secondary education in the past fiscal year, divided by full-time  
2 equivalent enrollment, as defined in § 5-202(a) of this article.

3 (3) "Receiving county" means a county that receives the children of an  
4 adjoining, sending county into its public schools.

5 (4) "Sending county" means a county that sends children who reside  
6 within its borders to a public school in an adjoining, receiving county.

7 (b) A school that is in one county and near the boundary of an adjoining  
8 county is free to the children of the adjoining county as provided in this section.

9 (c) (1) The county boards of the two counties may:

10 (i) Provide jointly for the maintenance and support of the  
11 jointly attended school in the receiving county; and

12 (ii) Determine the geographical attendance areas and other  
13 attendance policies of the two counties for all jointly attended schools in the receiving  
14 county.

15 (2) If the two county boards fail to agree on a geographical attendance  
16 area or attendance policy, the State Superintendent shall decide the matter.

17 (3) The following provisions apply in Somerset and Worcester  
18 counties:

19 (i) A student who resides in Somerset County and is presently  
20 attending school in Worcester County may continue to attend school in Worcester  
21 County until graduation from high school.

22 (ii) After all of the students described in subparagraph (i) have  
23 graduated, the exception described in this paragraph will end and all new students  
24 will attend school in Somerset County, unless otherwise authorized as provided in  
25 paragraph (1) of this subsection.

26 **(D) (1) IF A COUNTY DETERMINES THAT TRANSPORTATION OF A**  
27 **STUDENT WHO MUST TRAVEL TO ATTEND THE STUDENT'S ASSIGNED PUBLIC**  
28 **SCHOOL IN THE COUNTY IN WHICH THE STUDENT RESIDES IS NOT FEASIBLE,**  
29 **THE STUDENT MAY ATTEND A PUBLIC SCHOOL IN A RECEIVING COUNTY.**

30 **(2) A SENDING COUNTY MAY NOT BE REQUIRED TO PROVIDE**  
31 **TRANSPORTATION OF A STUDENT TO A SCHOOL IN A RECEIVING COUNTY.**

32 **(3) FOR EACH STUDENT WHO IS TRANSPORTED TO A SCHOOL IN A**  
33 **RECEIVING COUNTY, THE SENDING COUNTY SHALL MAKE AN ANNUAL**

1 DETERMINATION REGARDING THE FEASIBILITY OF TRANSPORTING THE  
2 STUDENT TO A SCHOOL IN THE SENDING COUNTY.

3 (4) A STUDENT WHO RESIDES IN A SENDING COUNTY AND  
4 PRESENTLY IS ATTENDING SCHOOL IN A RECEIVING COUNTY MAY CONTINUE TO  
5 ATTEND SCHOOL IN THE RECEIVING COUNTY UNTIL GRADUATION FROM HIGH  
6 SCHOOL.

7 (5) A SIBLING OF A STUDENT DESCRIBED IN PARAGRAPH (4) OF  
8 THIS SUBSECTION MAY ATTEND A SCHOOL IN A RECEIVING COUNTY IF THE  
9 SIBLING ATTENDS THE SAME SCHOOL AS THE STUDENT.

10 (6) AFTER ALL THE STUDENTS DESCRIBED IN PARAGRAPH (4) OF  
11 THIS SUBSECTION HAVE GRADUATED, THE EXCEPTIONS DESCRIBED IN  
12 PARAGRAPHS (4) AND (5) OF THIS SUBSECTION WILL END, AND ALL NEW  
13 STUDENTS WILL ATTEND SCHOOL IN THE COUNTY IN WHICH THE STUDENT  
14 RESIDES UNLESS OTHERWISE AUTHORIZED AS PROVIDED IN SUBSECTION (C) OF  
15 THIS SECTION AND PARAGRAPH (1) OF THIS SUBSECTION.

16 [(d)] (E) (1) For each fiscal year, the sending county shall pay the  
17 receiving county, for each student who resides in the sending county and who attends  
18 a public school in the receiving county, an amount equal to the lesser of:

19 (i) The local current expense per student in the sending county;  
20 or

21 (ii) The local current expense per student in the receiving  
22 county.

23 (2) If the local current expense per student for the sending county is  
24 less than the local current expense per student for the receiving county, the difference,  
25 plus the appropriate State share of the foundation program, for each student who  
26 resides in a sending county who attends a public school in the receiving county, shall  
27 be:

28 (i) Paid by the State to the receiving county; and

29 (ii) Provided for in the appropriation to the State Board.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 July 1, 2012.